

REMARKS

In response to the Office Action dated March 13, 2006, Applicants respectfully request reconsideration based on the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

Claims 36-50 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Flynn in view of www.Rogers.com, "Portage™ Wireless Connectivity, Quick Start Guide, 10-2000" ("Rogers"). This rejection is traversed for the following reasons.

Claim 42 recites "sending an electronic mail message to each mobile computer in the network when the updated version of the software program is available on the server." Neither Flynn nor Rogers teaches or suggests this element. In rejecting claim 42, the Examiner states "See network in Figure 4 and 6 since network has means of sending electronic mail message." The ability to send e-mail is referenced in Flynn, but there is no teaching of sending an electronic mail message to each mobile computer in the network when the updated version of the software program is available on the server.

In the Examiner's response to Applicants' arguments, the Examiner states that "sending an electronic mail message to each mobile computer in the network is a common feature of the network. It is continued after the technician who follows the instructions of the guide to perform the software transferring."

With respect to obviousness, the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. See MPEP § 2143.01. The rationale provided in the office action suggests that Flynn "can" provide the claimed electronic mail message. As noted in MPEP § 2143.01, this is an improper standard for an obviousness rejection. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). MPEP § 2143.01. Apparently, the Examiner is surmising that the user in the Flynn system would send an email indicating that an updated version of the software was available. Certainly, the network in Flynn is capable of carrying messages. There is no teaching, however, that it would have been

obvious to transmit such email messages. There is no motivation to modify the references as proposed by the Examiner. Thus, the obviousness rejection of claim 42 is improper and should be withdrawn.

For the above reasons, claim 42 is patentable over Flynn in view of Rogers. Claims 36-41 and 43-50 depend from claim 42 and are patentable over Flynn in view of Rogers for at least the reasons advanced with respect to claim 42.

It is respectfully submitted that the application is in condition for allowance. Accordingly, reconsideration and allowance of the claims are respectfully requested. The Examiner is cordially requested to telephone, if the Examiner believes that it would be advantageous to the disposition of this case.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment, which may be required for this amendment, to Deposit Account No. 06-1130. In the event that an extension of time is required, or may be required in addition to that requested in any petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 06-1130.

Respectfully submitted,

By: 

David A. Fox
Registration No. 38,807
CANTOR COLBURN LLP
55 Griffin Road South
Bloomfield, CT 06002
Telephone (860) 286-2929
Facsimile (860) 286-0115
Customer No. 36192

Date: May 15, 2006